

**AFFIDAVIT**

State of Ohio                     )  
  ) ss  
County of Franklin            )

Before me, the undersigned notary, personally appeared John David Freshwater, who having first been duly sworn, deposes and says:

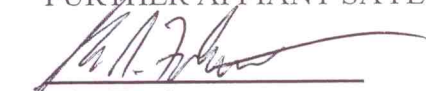
1. Affiant has personal knowledge of all matters set forth in this affidavit;
2. Affiant was interviewed by two investigators hired by the Mount Vernon City School District. According to the contract between the Mount Vernon City School District and the Mount Vernon Education Association affiant understands that Article 4, *Teaching Conditions*, Section 402, *Investigation of Complaints*, states, *The person against whom the complaint is made will be given the opportunity to provide a comprehensive written response to the complaint if he/she chooses to do so.* Even though I have never been a member of any union or the Mount Vernon Education Association, for the first time in my life I now understand I am protected by the union contract.
3. I was asked so many questions by the investigators that I'm glad I can go back and provide more information. When I was asked questions by the investigators I answered the best I could. I recorded my conversation with the interviewers because my attorney told me many times words can get misinterpreted or written wrong. So I taped the interview with a recorder. I've listened to the tape many times after the interview – at least ten times. I do not like the sound of my voice and all the um's and ah's I use when I speak. Each time I listened to the interview recording I thought of more stuff I wanted to add. So I am glad I can write a statement to help explain stuff in case you investigators do not ask me certain questions when we meet again next week on Wednesday on May 28, 2008. Because it is just my nature or habit to answer questions by repeating the question, it is my understanding I am to write and speak as if I were writing a letter or giving a speech to the world to explain things. It is my understanding I am trying to speak and write so that people could not misunderstand what I am saying. I know when I speak I am thinking of a million things and sometimes what I say can be confusing so it is my understanding to think, write and speak with a goal of communicating as clearly as I can.
4. During the interview you asked if I ever taught creationism or intelligent design in my class. The answer is absolutely not. First – intelligent design has so many definitions and means different things to different people. Personally, I don't know what intelligent design truly means. I have heard some people say intelligent design stands for some unknown source in space and some call it another name for GOD. I don't know what GOD intelligent design is supposed to be so how could I teach it.
5. I absolutely would not teach creationism in school and absolutely do not want creationism taught in schools. My reason for this is because creationism is spiritual and

not necessarily academic. Science is science and the Bible is biblical. The Bible is spiritual and science is not. Science and spirituality are based upon two different premises. Science is scientific method. Spirituality is based upon faith. If I am true to my faith in spiritual matters I must abide by directions of 1<sup>st</sup> Peter 3:15-16 and only tell people about my spiritual position gently and respectfully. The word respectfully to me means when I communicate about my faith the environment has to be right. A public school classroom is not the right environment to teach creationism. I also wouldn't want creationism taught in a public school because I know some public school teachers do not believe in it and I would not want to risk – as a society – having a someone who was not spirit filled teaching about something they didn't feel. Yes I believe in science. There is no conflict between my ability and belief in science and the scientific method and my spiritual views about creationism. Some things simply cannot be explained either because the interpretation from the Bible is not clear or because the scientific method has not yet uncovered something. Either way I can and do believe both. The best book I have ever come across that talks about faith and science is called The Case for Faith. One of the chapters speaks about the conflicts between science and faith. I accept those conflicts and still believe in my faith and science and I enjoy both.

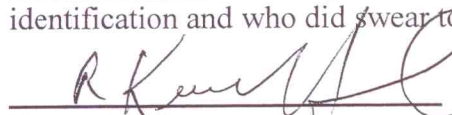
6. Too many people have an impression of my beliefs because I proposed to the board in 2003 to teach more evolution. Make sure you understand what I am saying. I proposed we teach 8<sup>th</sup> graders more evolution through the scientific method. I was proposing to critically analyze evolution. Critically analyzing evolution was already a 10<sup>th</sup> grade standard at the time. Now recognize there is nothing out there in the training I have had or the green standards book that says a teacher cannot teach material from other grades. All I wanted to do was make the 10<sup>th</sup> grade standard an 8<sup>th</sup> grade standard. Mr. Kuntz had just talked to me about the board policy about classrooms and religion. When we talked about classrooms and religions I specifically asked him how to go about getting the 10<sup>th</sup> grade standard to be an 8<sup>th</sup> grade standard. Mr. Kuntz actually helped me understand the process – I wasn't doing anything secretive. No, I was not actually teaching the 10<sup>th</sup> grade standard to my students. I just wanted to because the kids ask so many questions already about evolution and some of them bring up GOD in the class. There are a lot of kids from the Christian religion in my classes and you can tell by the questions they ask and the way they challenge the material. The green standards book says right here that in December 2002 the standards were adopted by the state and that is the 10<sup>th</sup> grade standard I am talking about. Look right here it says the 10<sup>th</sup> grade standard was to critically analyze evolution. Now this standard was changed and we got a memo to attach to our green books saying the state board took out the 10<sup>th</sup> grade standard to critically analyze evolution. It was my impression at the time when I made the proposal that teachers including me weren't sure what we could say and not say when students asked questions that challenged the materials. I know some teacher just skipped the questions and materials. If we could have taught the standard it was my thought we could just be honest about the challenges acknowledge the challenges and then move on because students asked challenging questions.
7. Some of the materials I found to make my proposal was from an intelligent design website which some people just assumed I wanted to teach intelligent design. Like I said

– intelligent design means many different things. I just wanted to use the scientific method and teach about evolution and encourage the scientific method which means you keep testing a hypothesis or theory until it becomes a law. My proposal was not adopted. Even the 10<sup>th</sup> grade standard at the time said there was no intent to teach intelligent design just critically analyze evolution. So I just stick to page 216 of the academic content standards and no more even though there is so much more that could be examined.

FURTHER AFFIANT SAYETH NAUGHT.

  
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John Freshwater

The foregoing affidavit was sworn to and acknowledged before me this May 25, 2008, by John Freshwater, who is personally known by me or who provided satisfactory identification and who did swear to the truthfulness of the above.

  
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Notary Public



R. KELLY HAMILTON, ATTORNEY AT LAW  
Notary Public  
in and for the State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 R.C.